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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

RAYMOND ANDERS,

Defendant and Appellant.

D042670

(Super. Ct. Nos. SCD166152,  
SCD169482)

APPEAL from a judgments of the Superior Court of San Diego County, Leo Valentine, Judge. Affirmed.

In superior court case No. SCD166152, Raymond Anders entered a negotiated guilty plea to selling a controlled substance. (Health & Saf. Code, § 11352, subd. (a).) On June 4, 2002, the court suspended imposition of sentence and placed him on three years' probation, including a condition he serve 180 days in custody. On September 10, the court revoked probation after the preliminary hearing in case No. SCD169482. On January 22, 2003, it reinstated probation. It again revoked probation on June 10, after

Anders admitted providing false information to a law enforcement officer. It sentenced Anders to prison for the four-year middle term for selling a controlled substance.

In case No. SCD169482, Anders entered a negotiated guilty plea to grand theft person (§487, subd. (c)) and admitted a strike prior (§§ 667, subd. (b), 1170.12, 668). The court dismissed the strike prior, suspended imposition of sentence, and placed him on three years' probation, including a condition he serve 365 days in custody. On June 10, 2003, it revoked probation and imposed a concurrent term with case No. SCD166152.

The court denied a request for a certificate probable cause. (Cal. Rules of Court, Rule 31(d).)

## DISCUSSION

Appointed appellate counsel has filed a brief setting forth the evidence in the superior court. Counsel presents no argument for reversal but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436. Pursuant to *Anders v. California* (1967) 386 U.S. 738, counsel refers to as a possible but not arguable issue whether Anders knowingly, voluntarily, and intelligently waived his rights when he admitted the probation violation.<sup>1</sup>

We granted Anders permission to file a brief on his own behalf. He has not responded. A review of the entire record pursuant to *People v. Wende, supra*, 25 Cal.3d 436, including the possible issues referred to pursuant to *Anders v. California, supra*, 386

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<sup>1</sup> Because Anders entered guilty pleas, he cannot challenge the facts underlying the convictions. (Pen. Code, § 1237.5; *People v. Martin* (1973) 9 Cal.3d 687, 693.) We need not recite the facts.

U.S. 738, has disclosed no reasonably arguable appellate issue. Competent counsel has represented Anders on this appeal.

DISPOSITION

The judgment is affirmed.

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AARON, J.

WE CONCUR:

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McCONNELL, P. J.

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McINTYRE, J.